

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

GEORGE L. HIGGINS,

Plaintiff,

v.

Case No. 00-C-0838

**JO ANNE B. BARNHART, Commissioner of
Social Security Administration,**

Defendant.

DECISION AND ORDER

On June 12, 2000, the plaintiff George L. Higgins, Jr. (“Higgins”) filed his complaint in this Court seeking review of a decision by the defendant Commissioner of Social Security Administration (“the Commissioner”) denying Higgins’s application for supplemental security income. On November 7, 2000, the Commissioner moved the Court to remand Higgins’s case for further administrative action pursuant to sentence 6 of § 205(g) of the Social Security Act, 42 U.S.C. § 405. The Commissioner, in her motion, explained that, prior to the filing of the instant case, the Appeals Council of the Social Security Administration had remanded Higgins’s case to an Administrative Law Judge for purposes

of conducting a supplemental hearing and issuing a new decision. Based on that representation, this Court issued an order of remand on December 8, 2000.

On October 5, 2005, the Commissioner filed a motion to vacate the remand order and reinstate the case. In her motion to vacate, the Commissioner states that she now has the complete, certified record of Higgins's case and is prepared to move forward with this action. Higgins has not responded to the Commissioner's motion.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

The Defendant's Motion to Vacate the Remand Order and Reinstate the Case (Docket No. 9) is **GRANTED**.

Higgins **SHALL** inform the Court, in writing, no later than April 21, 2006, whether he intends to proceed with his action. If Higgins does not inform the Court of his intentions by April 21, 2005, the instant action will be dismissed.

Dated at Milwaukee, Wisconsin this 3rd day of March, 2006.

BY THE COURT

s/ Rudolph T. Randa
Hon. Rudolph T. Randa
Chief Judge